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9 UNITED STATES OF AMERICA

10 UNITED STATES DISTRICT COURT

11 FOR THE CENTRAL DISTRICT OF CALIFORNIA

12 IN THE MATTER OF THE SEARCH OF:  
5241 LINCOLN AVENUE, #B3,  
13 CYPRESS, CALIFORNIA 90630

No. 8:18-MJ-00555

GOVERNMENT'S EX PARTE APPLICATION  
FOR SECOND EXTENSION OF TIME  
WITHIN WHICH TO RETAIN AND SEARCH  
DIGITAL DEVICES; DECLARATION OF  
JAKE D. NARE

17 The United States of America, by and through its counsel of  
18 record, Assistant United States Attorney Jake D. Nare, hereby applies  
19 for an order extending by 120 days the time within which the  
20 government may retain and search digital devices seized pursuant to a  
21 federal search warrant.  
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**DECLARATION OF JAKE D. NARE**

I, Jake D. Nare, hereby declare and state:

1. I am an Assistant United States Attorney assigned to this investigation for United States Attorney's Office for the Central District of California.

2. This declaration is made in support of a request for an order permitting the government to retain and search, pursuant to the terms of the original warrant in this matter, for an additional 120 days, the following digital devices seized pursuant to the warrant described below (the "SUBJECT DIGITAL DEVICES"):

- a. Dell Laptop Service Tag #4S5YFC2
- b. HP Laptop with serial number CND7050WDY
- c. Nextbook Laptop with serial number YFAN0915082693
- d. Nextbook Laptop with serial number YFGV0415051227
- e. Samsung Laptop with serial number HNHK91EC200704P
- f. HP Laptop with serial number CND812V9R
- g. Lenovo ThinkPad Laptop with serial number LR-0514UL
- h. Lenovo Laptop with serial number MP13ESPF
- i. Black tower Desktop PC with no serial number
- j. Dell Desktop computer with serial number 4K8XFN1
- k. HP Laptop with serial number CND7501138
- l. LG Smartphone with serial number 211KPDT0861658
- m. LG Smartphone with serial number 910KPZK0126101
- n. CoolPad Smartphone with serial number B12ECA45
- o. Samsung Smartphone with serial number R28J62N0GLT
- p. LG Smartphone with serial number 708CYVU435615
- q. ZTE Smartphone with serial number 320675220142
- r. LG Smartphone with serial number 708CYBD435613

1 s. Coolpad Smartphone with serial number C343CE0A

2 t. Coolpad Smartphone with serial number EF08F291

3 3. On October 29, 2018, SA David Aspling of the Food and Drug  
4 Administration Office of Criminal Investigations ("FDA OIC") obtained  
5 a federal search warrant issued by the Honorable Douglas F.  
6 McCormick, United States Magistrate Judge, authorizing the search of  
7 5241 Lincoln Avenue, #B3, Cypress, California 90630 (the "SUBJECT  
8 PREMISES"). The warrant, which is incorporated herein by reference,  
9 authorized the seizure of digital devices from the SUBJECT PREMISES  
10 for a period of 120 days from the date of the execution of the  
11 warrant, to allow the government to search such devices for evidence  
12 of violations of 21 U.S.C. § 331(a) (Introduction or Delivery for  
13 Introduction of a Misbranded Drug into Interstate Commerce); 21  
14 U.S.C. § 331(d) (Introduction or Delivery for Introduction of an  
15 Unapproved New Drug into Interstate Commerce); 18 U.S.C. § 542 (Entry  
16 of Goods By False Statements); 18 U.S.C. § 545 (Smuggling Goods into  
17 the United States); 18 U.S.C. § 1001 (False Statements); and 18  
18 U.S.C. § 371 (Conspiracy).

19 4. On October 31, 2018, federal agents executed the warrant  
20 and seized the SUBJECT DIGITAL DEVICES.

21 5. This is the second request for an extension. The current  
22 deadline by which the government must complete its review of the  
23 SUBJECT DIGITAL DEVICES is June 28, 2019.

24 6. Based on information provided to me by agents assigned to  
25 this matter, I understand that the SUBJECT DIGITAL DEVICES have been  
26 imaged and turned over to an FDA OCI digital forensic examiner for  
27 examination and are currently in the process of being examined.  
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1           7. For the following reasons, the government is requesting an  
2 additional 120 days to complete its review of the SUBJECT DIGITAL  
3 DEVICES:

4           a. The forensic review of digital devices is time  
5 consuming. Agents cannot simply turn on computers and review their  
6 contents because merely turning on a computer and reviewing its  
7 contents changes the data on the computer. Specialized computer  
8 software is therefore needed to ensure that evidence remains in a  
9 pristine and usable condition, and is not affected by the review  
10 process. The review also must be conducted by agents who have  
11 received specialized training to ensure that the review is done  
12 thoroughly and in a forensically sound fashion. This process takes  
13 substantial time.

14           b. The SUBJECT DIGITAL DEVICES contain over 8000  
15 gigabytes of information. Based on my training and experience, I  
16 know that one gigabyte could hold the contents of about ten yards of  
17 books on a shelf. One hundred gigabytes could hold an entire library  
18 floor of academic journals.

19           c. FDA OCI has a limited number of digital forensic  
20 examiners, including only one digital forensic examiner assigned to  
21 the Los Angeles Field Office. This has created a backlog of other  
22 devices to review. During the previous 120 day period of review, the  
23 forensic examiner was assigned several other search warrants that  
24 were urgent and inhibited her ability to work on this investigation.  
25 In order to address the substantial amount of digital devices seized  
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1 in this investigation,<sup>1</sup> the Los Angeles Field Office of the FDA -  
2 Office of Criminal Investigations has hired an independent  
3 contractor. The contractor has begun the review process, but due to  
4 the voluminous data that was seized, additional time is needed to  
5 complete the examination.

6 I declare under penalty of perjury under the laws of the United  
7 States of America that the foregoing is true and correct.

8 DATED: June 26, 2019

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10 JAKE D. NARE

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27 <sup>1</sup> On October 29, 2018, SA Aspling obtained seven search warrants  
28 related to this investigation. See 18-MJ-554; 18-MJ-555, 18-MJ-556;  
18-MJ-557; 18-MJ-558; 18-MJ-559; and 18-MJ-560. During the execution  
of the search warrants, a total of 36 digital devices were seized and  
are currently in the process of being examined.